

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-03062-PAB-MEH

CARY GAGAN,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on the plaintiff's motion for voluntary dismissal without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) [Docket No. 13]. Rule 41(a)(1)(A)(i) provides that a "plaintiff may dismiss an action without a court order by filing: . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Because defendant has not filed an answer or a motion for summary judgment, the Court construes plaintiff's motion as such a notice of dismissal. Upon its filing, this case was automatically dismissed without prejudice and without the need for a court order.

DATED January 6, 2012.